IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4657 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GANESHBHAI P RAVAL

Versus

PRESIDENT ,GANESHPURA KELVANI MANDAL

Appearance:

MR VIJAY H PATEL for Petitioner

MR HH PATEL AGP for Respondent No. 1, 4, 5

MR DAVE for MR AD OZA for Respondent No. 3

None present for RespondentNo.4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/01/2001

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The Tribunal though held that appeal filed by the petitioner before it is not maintainable but made following observations :-

> "There is some substance in the submission of the applicant. But the proper remedy for him is to make appropriate representation to the D.H.O. or need to be the Director of Education and to the Board which has given special permission for starting the new school. I have no doubt that the authorities concerned will consider the case of the applicant sympathetically on his making an appropriate representation. I recommend that after examining the facts, the authorities concerned may pass the appropriate orders for the absorption of the applicant because he is also like the other employees left in the lurch because of the closure of the previous school. With this observation and recommendation the present application is dismissed on the ground of lack of jurisdiction."

#. The learned counsel for the petitioner submitted that after the decision of the Tribunal the petitioner made several representations to the District Education Officer, but it has not paid any heed to any of them. In para No.7 of the Special Civil Application the petitioner made a statement on oath that he made several applications to the District Education Officer, Mehsana to pass necessary orders of absorption of the petitioner in the school of the respondent No.1 Trust. It is further stated that the District Education Officer has not taken any action in that respect till today. It is not the case of the respondent-District Education Officer that the representation filed by the petitioner has been decided. In fact, none of the respondents has even cared to file the reply to the Special Civil Application as the copy of the same is not on the record.

#. The interest of justice will be served in case the petition is disposed of in the terms that the District Education Officer, Mehsana shall decide the representation of the petitioner by treating the Special Civil Application as representation within a period of one month from the date of the receipt of the writ of this order after giving opportunity to all effected persons including the petitioner. The decision taken on this representation shall be communicated to the

petitioner by Registered Post A.D. Where the decision comes in favour of the petitioner he shall be entitled for all the consequential benefits follow therefrom. In case the decision goes adverse to the petitioner he is free to apply for the revival of the Special Civil Application by filing a simple note. Rule stands disposed of in the aforesaid terms.

(S.K.Keshote, J.)
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